

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

GABE LOCKETT CULLER,	:	
	:	
Petitioner,	:	Civil Action
	:	No. 5:11-cv-493 (CAR)
v.	:	
	:	HABEAS CORPUS
CENTRAL STATE HOSPITAL,	:	28 U.S.C. § 2254
	:	
Respondent.	:	
	:	
_____	:	

ORDER ON RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the Court is the United States Magistrate Judge's Recommendation [Doc. 21] to grant Respondent's Motion to Dismiss [Doc. 15] the instant Petition for Writ of Habeas Corpus due to Plaintiff's failure to exhaust his claims in state court. Petitioner has filed an Objection to the Recommendation [Doc. 22] in which he claims he has exhausted his claims in state court. However, he has failed to present any evidence that he has exhausted his claims in state court. Thus, having fully considered the record in this case and making a *de novo* determination of the portions of the Recommendation to which Petitioner objects, the Court finds the Objection to be without merit. Accordingly, the Magistrate Judge's Recommendation [Doc. 21] is **HEREBY ADOPTED AND MADE THE ORDER OF THE COURT.** Respondent's Motion to Dismiss [Doc. 15]

is hereby **GRANTED**, and the Petition is **DISMISSED** without prejudice. Furthermore, as also set forth in the Recommendation, a certificate of appealability is **DENIED**.

It is SO ORDERED this 9th day of January, 2013.

S/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT

SSH